

**ATTACHMENT #27**

**FMCSA FMVSS COMPLIANCE  
ENFORCEMENT POLICY 2005**

**(6 Pages)**



U.S. Department  
Of Transportation  
Federal Motor Carrier  
Safety Administration

# Memorandum

Subject: Enforcement of Motor Carriers'  
Self-Certification of Compliance with the  
Motor Vehicle Safety Standards

Date: AUG 26 2005

From: Associate Administrator for  
Enforcement and Program Delivery

In Reply Refer To: MC-ECE

To: Field Administrators  
Division Administrators

The purpose of this memorandum is to provide policy guidance to increase highway safety by ensuring that all commercial motor vehicles (CMV) are certified by the vehicle manufacturer or registered importer as complying with all applicable Motor Vehicle Safety Standards in effect at the time of manufacture. This policy is summarized in table format in Attachment 1.

In particular, and in anticipation of the United States (U.S.) and Mexico finalizing NAFTA long-haul cross border operations, Title 49 of the Code of Federal Regulations requires both Mexico-domiciled carriers applying for authority (Form OP-1(MX)) to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border as well as Mexico-domiciled carriers applying for a certificate of registration (Form OP-2) to operate in municipalities or commercial zones on the border, to certify, as part of the application process, that they are in compliance with the Federal Motor Carrier Safety Regulations (FMCSRs), the Hazardous Materials Regulations, and the Federal Motor Vehicle Safety Standards (FMVSS). If FMCSA or State inspectors determine through vehicle inspections or during a pre-authority safety audit that Mexico-domiciled motor carriers are operating vehicles not in compliance with the applicable Motor Vehicle Safety Standards, FMCSA may use this information to deny, suspend or revoke a carrier's operating authority or certificate of registration for making a false certification or issue appropriate penalties for the falsification.

CMVs manufactured to meet United States or Canadian safety standards, and displaying a Vehicle Identification Number (VIN) that meets National Highway Traffic Safety Administration's (NHTSA) or Canada's requirements, are considered to be in compliance. In addition, FMCSA determined, based on information from the Truck Manufacturers Association (TMA), that most model year 1996 and later CMVs manufactured in Mexico meet the FMVSS, regardless of whether the vehicle bears FMVSS certification labels. For vehicles which do not have certification labels, it has been determined that enforcement officials should defer to the

VIN on a plate or plates in various locations on the vehicle. The VIN will assist the inspectors in determining what year the vehicle was manufactured to determine compliance with the FMVSS or Canadian Motor Vehicle Safety Standards (CMVSS). Attachment 2 provides a sample VIN plate, including instructions on how to read the VIN to determine year of manufacture.

No adverse action will be taken against vehicles operated by Mexico-domiciled motor carriers with labels certifying compliance with the CMVSS in effect at the time of manufacture. With only a few differences, the Canadian motor vehicle safety standards are identical to the U.S. manufacturing performance standards (the FMVSS), and FMCSA's operating regulations incorporate the FMVSS critical to continued safe operation.

Regardless of whether a vehicle has a certification label, vehicles with violations of the FMCSRs that are serious enough to meet the current out-of-service criteria are to be placed out of service. FMCSA will continue to impose civil penalties for violations of Part 393 of the FMCSRs concerning parts and accessories necessary for safe operation, including regulations that cross-reference the FMVSS. For your convenience, we have included the attached chart (see Attachment 3) which cross references the FMCSRs with the FMVSS.

The Office of Enforcement and Compliance is working with the Office of Information Systems to establish system requirements and operational procedures for implementing the policy. This policy will become effective when these guidelines have been established and modifications to the appropriate software and Motor Carrier Management Information System have been completed. Further guidance will be forthcoming.

I encourage you to work closely with your State Motor Carrier Safety Assistance Program (MCSAP) partners as we implement this policy. If you have questions or need additional information, please contact Mary Pat Woodman at [marypat.woodman@fmcsa.dot.gov](mailto:marypat.woodman@fmcsa.dot.gov) or by (202) 366-6333.

Attachments

**Attachment 1**

**FMCSA's FMVSS CERTIFICATION LABEL POLICY**

| <b>Motor Carriers</b>  | <b>Applicable Vehicle Safety Requirements</b>  | <b>Certification Label Requirements</b>   | <b>Exceptions for Displaying Labels</b>  |
|--|--|---|--|
| U.S. – Based Motor Carriers  | All CMVs must comply with the FMCSRs, including all FMVSSs that are cross-referenced in Part 393, concerning vehicle equipment and components. | Vehicles usually display FMVSS certification label.   | VIN that meets NHTSA rule for VINs is acceptable. Also, State-issued VIN is acceptable provided the vehicle is registered in a State.  |
| Canada – Based Motor Carriers.   | All CMVs must comply with the FMCSRs, including all FMVSSs that are cross-referenced in Part 393, concerning vehicle equipment and components. | Vehicles usually display either an FMVSS certification label <b>OR</b> a CMVSS certification label. | VIN that meets NHTSA rule for VINs is acceptable. VIN that meets Transport Canada's rule for VINs is acceptable.   |
| Mexico-Based Motor Carriers Operating Within the Commercial Zone.<br><br>Mexico-Based Motor Carriers Operating Beyond the Commercial Zone. | All CMVs must comply with the FMCSRs, including all FMVSSs that are cross-referenced in Part 393, concerning vehicle equipment and components. | Vehicles may display either an FMVSS certification label <b>OR</b> a CMVSS certification label.     | For vehicles of model year 1996 or later, a VIN that meets NHTSA rule for VINs is acceptable. VIN that meets Transport Canada's rule for VINs is acceptable.<br><br>Any vehicles from earlier model years should not be considered to meet the FMVSS or CMVSS unless there is a certification label. |

# Vehicle Identification Number (VIN)

## World Manufacturer Identifier (WMI)

- 1 = USA
- 2 = Canada
- 3 = Mexico
- 4 = USA
- 5 = USA
- J = Japan
- K = S. Korea
- S = U.K.
- W = Germany
- Z = Italy

First character indicates where the vehicle was built

3VW

71M092979

Check Digit

MUST BE 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z

Consult the VIN chart for more information

The VIN plate usually can be found on the dashboard, left of the driver's door.

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## A Few Tips

- The letters I, O, and Q never appear in a VIN.
- If it's not 17, it's probably not right.
- Always verify the VIN by looking at the vehicle.
- Be careful when dealing with sets of letters & numbers such as:

- S & 5
- D & 0
- B & 8
- G & 6
- U & V
- Z & 2

- When taking VINs over the telephone, reconfirm similar sounds such as:

- H & 8
- S & F
- V & 8
- M & N
- B & D
- J & 6

**Federal Motor Carrier Safety Regulations Cross-Referencing Federal Motor Vehicle Safety Standards ATTACHMENT 3**

| FMCSR   | Title   | FMVSS    | Title  |
|---|---|----------|--|
| 393.11  | Lamps and Reflectors  | 108      | Lamps, Reflective Devices, and Associated Equipment                  |
| 393.40  | Required Brake Systems  | 105      | Hydraulic Brake Systems  |
| 393.41  | Parking Brakes (being revised to cover entire air brake system)             | 121      | Air Brake Systems  |
| 393.45  | Brake Tubing and Hose   | 106      | Brake Hoses  |
| 393.46  | Brake Tubing and Hose Connections   | 106      | Brake Hoses  |
| 393.51  | Warning Devices and Gauges (for brake systems)                              | 105, 121 | Air Brake Systems, Hydraulic Brake Systems                           |
| 393.53  | Automatic Brake Adjusters and Brake Adjustment Indicators                   | 105, 121 | Air Brake Systems, Hydraulic Brake Systems                           |
| 393.55  | Antilock Brake Systems  | 105, 121 | Air Brake Systems, Hydraulic Brake Systems                           |
| 393.60  | Glazing in Specified Openings   | 205      | Glazing Materials  |
| 393.61  | Window Construction   | 217      | Bus Emergency Exits and Window Retention and Release                 |
| 393.63  | Windows, Marking  | 217      | Bus Emergency Exits and Window Retention and Release                 |
| 393.75  | Tires   | 119      | New Pneumatic Tires for Vehicles Other Than Passenger Cars [loading] |
| "   | "   | 120      | Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars |
| 393.80  | Rear-Vision Mirrors   | 111      | Rearview Mirrors   |
| 393.86  | Rear impact guards and rear end protection                                  | 223, 224 | Rear Impact Guards, Rear Impact Protection (eff. 1/26/98)            |
| 393.92  | Buses, marking emergency doors  | 217      | Bus Emergency Exits and Window Retention and Release                 |
| 393.93  | Seats, seat belt assemblies, and seat belt assembly anchorages              | 207      | Seating Systems  |
| "   | "   | 208      | Occupant Crash Protection  |
| "   | "   | 209      | Seat Belt Assemblies   |
| "   | "   | 210      | Seat Belt Assembly Anchorages  |
| 393.95  | Emergency Equipment (Warning Triangles)                                     | 125      | Warning Devices  |
| <b>More FMV Safety Standards Applicable to Trucks and Buses</b> |   |          |  |
| FMVSS   | Title   |          |  |
| 101   | Controls and Displays   |          |  |
| 102   | Transmission Shift Lever Seq. Starter Interlock, Braking Effect             |          |  |
| 103   | Windshield Defrosting and Defogging Systems                                 |          |  |
| 104   | Windshield Wiping and Washing Systems                                       |          |  |
| 113   | -- Hood Latch System  |          |  |
| 124   | Accelerator Control Systems   |          |  |
| 204   | Steering Control Rearward Displacement                                      |          |  |
| 206   | Door Locks and Door Retention Components (trucks, not buses)                |          |  |
| 213   | Child Restraint Systems   |          |  |
| 302   | Flammability of Interior Materials  |          |  |
| 304   | Compressed Natural Gas Fuel Container Integrity                             |          |  |
| <b>FMCSRS that are not cross-referenced in FMVSS</b>            |   |          |  |
| FMCSR   | Title   |          |  |
| Part 325  | Compliance with Interstate Motor Carrier Noise Emission Standards           |          |  |
| 393.85  | Fuel Systems  |          |  |
| 393.70  | Coupling devices and towing methods, except for driveway-towaway operations |          |  |
| 393.71  | Coupling devices and towing methods, driveway-towaway operations            |          |  |
| 393.76  | Sleeper Berths  |          |  |
| 393.77  | Heaters   |          |  |
| 393.83  | Exhaust Systems   |          |  |
| 393.84  | Floor   |          |  |
| 393.86  | Rear Impact Guards (for trailers mfd from 1/1/53 through 1/25/98)           |          |  |
| 393.89  | Buses, driveline protection   |          |  |
| 393.90  | Buses, standee line or bar  |          |  |
| 393.94  | Vehicle interior noise levels   |          |  |
| 393.106   | Front-end structure   |          |  |

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